




CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: May 19, 2014

To: Thomas J. Bonfield, City Manager
Through: Keith Chadwell, Deputy City Manager
From: Steven L. Medlin, AICP, Planning Director 
Subject: Request to Close the Public Hearing and Refer the Item Back to the Administration: *Unified Development Ordinance* Text Amendment, Tree Coverage Calculations (TC1300002)

Summary. This is a privately initiated text amendment to amend the method of calculating required tree coverage areas pursuant to Sec. 8.3, Tree Protection and Tree Coverage, of the *Unified Development Ordinance* (UDO). The Durham City Council held a public hearing on this item at its February 3, 2014, meeting, and continued the item until May 19, 2014, to allow the applicant to consider revisions based upon comments received at the hearing.

The applicant has submitted a request (Attachment 1) to close the public hearing for this text amendment request and refer the application back to the administration for further consideration. If the City Council approves this request, the applicant will be responsible for all additional notification fees if a new public hearing is required.

Recommendation. Staff recommends closing the public hearing and referring the text amendment request back to the administration.

Background. The text amendment application is a privately initiated amendment submitted by Horvath Associates. The current UDO requires tree coverage on most development sites within the Suburban Tier, and for residential zoning districts within the Urban Tier. Tree coverage, pursuant to Sec. 8.3, Tree Protection and Tree Coverage, can be satisfied by setting aside a certain percentage of the development site as tree preservation, tree replacement, or a combination of both.

On October 2, 2013, the JCCPC reviewed the text amendment and had no concerns with the proposal, recommending initiating the approval process with a unanimous vote. The Planning Commission held a public hearing on the text amendment on November 12, 2013, and recommended approval with a unanimous vote. The item was heard by the Durham City Council on February 3, 2014, and continued the hearing to May 19, 2014, in order for the applicant to consider revisions to the text amendment that addressed concerns raised at the public hearing.

Thomas J. Bonfield, City Manager

Unified Development Ordinance Text Amendment, Tree Coverage Calculations (TC1300002)

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On April 4, 2014, the Planning Department received a written request from the applicant, asking the City Council to close the public hearing and refer the item back to the staff for further consideration.

Issues. If the hearing is closed and the item is referred back to staff, a new public hearing will be required if the applicant does not withdraw the request. The costs of new notifications for the public hearing will be the responsibility of the applicant.

Alternatives. The following are alternatives to the applicant's request:

1. Close the public hearing and vote on the application as currently proposed; or
2. Continue the public hearing to a date certain.

Contact. Michael Stock, AICP, Senior Planner, 919-560-4137 ext. 28227;
Michael.Stock@DurhamNC.gov.

Attachment:

Attachment 1: Request by Horvath Associates to Close the Public Hearing and
Refer the Text Amendment Request back to the Administration